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7**

PDF PAGE 1, COLUMN 1
**FRANK RELIES ON ROAN'S SPEECH
FOR A NEW TRIAL**

PDF PAGE 1, COLUMN 7

Georgian's Report Made the Record

The Georgian's report of Judge L. S. Roan's remarkable expression of doubt in refusing to grant Leo M. Frank a new trial was Saturday incorporated into the official bill of exceptions by common consent of Solicitor Hugh M. Dorsey, Luther Rosser, and the court itself.

Mr. Dorsey objected to the report of the Judge's words as first given in the bill by Frank's lawyers and the difficulty was solved by accepting The Georgian's version. It is probably the first time in court history that a newspaper report of a legal proceeding has been used as a court record. It will be noticed by those who read the original report that a phrase has been eliminated. Here is The Georgian's report, clipped from yesterday's Georgian by the lawyer and made a court record:

"Gentlemen, I have thought about this case more than any other I have ever tried. I am not certain of this man's guilt. With all the thought I have put on this case I am not thoroughly convinced that Frank is guilty or innocent. The jury was convinced. There is no room to doubt that. I feel that it is my duty to rder that the motion for a new trial be overruled."

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Municipal Judges Named to Replace

Justices of Peace

The Superior Court judges of Fulton County Saturday afternoon nominated the five Municipal Court judges who are to replace the justices of the peace, the nominees being L. F. McClelland, E. D. Thomas, J. B. Ridley, T. O. Hathcock and L. Z. Rosser, Jr. These nominations were referred to Governor Slaton for confirmation and the selection of a chief judge.

The chief judge will begin his duties at once, but the associates will not assume their duties until January 1, when the offices of justices of the peace are abolished. The salary of the chief judge is to be \$3,600 a year and \$3,000 for each of the associates.

Judge Ridley is the only justice of the peace to receive one of the new places.

With the bill of exceptions signed by Judge L. S. Roan, the last fight for a new trial for Leo M. Frank has begun in earnest.

Solicitor Dorsey was furnished with a copy of the exceptions in the rough form that he might peruse it while the stenographers are rewriting certain pages.

A change in Judge Roan's astonishing statement that he is not convinced as to Frank's guilt or innocence as reported by the defense was made on Solicitor Dorsey's objections that the words accredited to Judge Roan in the bill were not exactly the words he had spoken. Judge Roan's expression of doubt will undoubtedly be the defense's main reliance in the fight for a new trial.

Georgian Report Correct.

"The Georgian had your words, exact, your honor," said Solicitor Dorsey to the court.

A copy of The Georgian of Friday was called for by Judge Roan, and the statement therein was declared by him to be correct.

This read:

"Gentlemen, I have thought about this case more than any other I have ever tried. I am not certain of this man's guilt. With all the thought I have put on this case I am not thoroughly convinced that Frank is guilty or innocent. But I do not have to be convinced. The jury was convinced. There is no room to doubt that, I feel that it is my duty to order that the motion for a new trial be overruled."

Attorney Herbert Haas insisted that Judge Roan had not made the remark: "But I do not have to be convinced," and the judge agreed with him.

Agreed to Change.

"I will ask you gentlemen to change the wording of the bill of exceptions to this, leaving out the words: 'But I do not have to be convinced,'" said Judge Roan.

All the attorneys agreed, and The Georgian's report was made the official record.

Those in the judge's chambers at the time were Solicitor Dorsey and Attorneys Luther Rosser, Reuben Arnold, Herbert Haas and Leonard Haas. The bill of exceptions is unusually long, containing all of the charges included in the amended motion for a new trial, besides the remarks made by Judge Roan.

Frank's attorneys labored on the bill until late Friday night. Judge Roan was advised by them that it would be ready by 9:30 o'clock, and was in his chambers awaiting them. They later advised that it would be 10:30 before they would finish. It was 20 minutes before 12 o'clock when they arrived.

Bill Read in Part.

Colonel Rosser at once stated to Judge Roan that they desired to rewrite some of the pages. Solicitor Dorsey had previously said he would not require a reading of all the affidavits listed, as the total reading of the bill probably would require three hours' time.

He asked that the part relative to Judge Roan's remarks might be read so that it could be agreed upon without further delay.

Judge Roan was anxious to sign the bill of exceptions during the morning as arrangements had been made with Governor Slaton to qualify him for the Court of Appeals, Solicitor General Reid, of the Stone Mountain Circuit for judge of that circuit to succeed Judge Roan, and Judge

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**FRANK
LOOKS TO**

ROAN'S SPEECH TO AID HIM

**Bill of Exceptions Filed
After Dor-
sey Gets Correction—
Judge
Signs It To-day.**

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Ben Hill as judge of the new division of the Fulton County Superior Court, at 12 o'clock.

Colonel Rosser telephoned Governor Slaton and requested that this time be delayed until 4:30 o'clock.

Precedents To Be Cited.

Frank's lawyers were busy seeking precedents by which it was said the Supreme Court can order a new trial on the mere expression by a trial judge of his doubt of the guilt of the defendant.

Reluctant as he is to speak of any phase of the case except in a courtroom, it became known that Luther Rosser, chief of counsel for the prisoner, considered Judge Roan's remarks the most important victory the defense has achieved, and would make them the center of the Supreme Court fight.

Frank himself, who has closely followed every move in the fight for his life and has more than once advised his lawyers, was reported happy over the judge's remarks. Friends said he considered it a vindication, arguing that if Judge Roan had been on the jury, he must necessarily have voted to acquit him.

Prepare for Bitter Fight.

The prisoner's lawyers prepared to make one of the bitterest fights ever witnessed in the State's highest courts, but they will be met at every point by Solicitor Dorsey and his assistants. The Solicitor, congratulated by many on his second victory, had little to say. He remarked that the time to talk was when you were losing.

Frank A. Hooper, who has been working with Mr. Dorsey, in an unexpected statement, denied once more that racial prejudice and ever figured in the activity of the Solicitor's office or that of the police.

There was a general inclination on all sides to ignore the apparent efforts to lay down a course of action for the Supreme Court in published statements giving rulings of the appeals court supposed to bear on the Frank case.

Ruling of Little Significance.

The Supreme Court, of course, is not guided in any way by the Appeals Court rulings, so that there is little, if any,

significance in a decision handed down Friday making the trial judge the trier as to the bias of jurors.

The Appeals Court held in the case of Taylor vs. the State that the re-[ineligible] court could not go behind the decision of the judge as to whether the jury was biased or not.

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*Judge Hill Orders Locker
Club Probe*

PDF PAGE 4, COLUMN 8

GUN TOTING

DECLARE D ATLANTA MENACE

**New Justice Tells
Body It Must
Not Spare Liquor Law**

Violators

Judge Ben Hill, in his first official act as a member of the Superior Court bench, Monday opened a campaign against illegal traffic in intoxicants, with especial references to locker clubs, which may be violating the prohibition laws.

Charging his first Grand Jury, he urged the most careful inquiry into the conditions under which the locker clubs are operating, and if any were found to be disregarding the law in any way to indict the men operating them.

"There are rumors that some of the locker clubs are not complying with the law," said Judge Hill. "This may or may not be true, but it is your duty as the highest body in the country to make a most careful investigation. The man who is deliberately violating the law which rules that whisky must not be sold should be severely dealt with, be he in a locker club or a public or private place. No matter what your personal opinion may be regarding the sale of intoxicants, you are to act as the law dictates.

Whisky and the Pistol.

"The two great evils of life, the momentous ones, are a whisky bottle and a pistol. Each of them is a great evil in itself, but together they form the greatest menace to life."

"I urge of you that every man in the last two years who has been guilty of having a weapon upon him, unless he has a permit from the Ordinary, be immediately indicted. I think there should be a law against the sale of pistols, for the modern revolver is the most deadly weapon ever made. The man who carries one is a menace to the life of the community and should be dealt with in a manner to make it a lesson to others."

"It is also your duty to make the closest investigation into violations of the gaming laws. If there is gambling in Fulton County you should take the step that will break it up. In 1880,

when Captain English was Mayor, and I was Solicitor General, we broke up gambling here, and if the rumors that gambling is going here now are true you are the men to be held responsible for it.”

“Upon a grand jury depends the lessening of crime, by strict and firm consideration of the cases coming before it. I do not know that crime is on the increase, but the newspapers tell us that it is. The duty of a grand juror is most important. His position is a responsible one, for upon him depends the welfare of a community.”

The organizing and charging of the Grand Jury was unique in the annals of Fulton County court history. Judge W. H. Ellis organizing it and then sending the body before Judge Hill to be charged. But a few formal remarks were made to them by Judge Ellis.

With Judge Hill’s assumption to the Superior Court bench, an old custom

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GRAND JURY TO

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Continued From Page 1.

of the other three judges, Bell, Pendleton and Ellis, handling the criminal docket in rotation, with the assistance of Judge Roan, of the Stone Mountain Circuit, is abolished. Judge Hill will handle all criminal felony cases and only in cases of extreme emergency, where the criminal docket becomes badly crowded, will any of the other three judges handle criminal cases. Judge Charles L. Reid, who succeeded Judge Roan on the Stone Mountain Circuit, will not hold court here.

The entire courthouse in both the old City Hall and Thrower Building was in a state of suppressed excitement all Monday over the revival of the work of the felony branch of the Criminal Court, and the shifting of courtrooms so that the new judge could handle cases properly.

Monday morning saw Solicitor Dorsey handle his first case other than the Leo M. Frank trial in nearly three months. A number of the smaller cases were disposed of. Next Monday the court will get into the grind of disposing of the heavier cases and by the finish of the November term on December 20 the Solicitor expects to clean up the docket, which has become badly crowded.

Judge Hill also shattered another custom of old standing in the criminal branch of the Atlanta Judicial Circuit in calling for a docket. Solicitor Dorsey explained that former judges had always left this to the Solicitor, but that he would have the Clerk to prepare one for Judge Hill if he so desired.

"Yes, have the Clerk get me up one," replied the judge. "I want to know what I am doing up here."

That he would attempt to win the confidence and esteem of the people of Fulton County, as did his father and brother, the famous statesmen. Ben Hill, and the noted prosecuting attorney, Charlie Hill, who was Solicitor of Fulton County for many years, was the declaration of Judge Hill.

Will Follow Tradition.

"In my work on the Court of Appeals it was my pleasure to see the statue of my father placed in the Capitol by the people of Fulton County. In the new courthouse I will gaze upon the likeness of my brother, who was Solicitor for 25 years. For the people of Fulton County who have so honored my family I will endeavor to do my best to win the esteem in which these dearest members of my family were held."

W. L. Peel, president of the American National Bank, was appointed foreman of the Grand Jury, which is regarded as one of the strongest ever assembled in the county. A large number of prominent business men appear on its roll.

It is composed of W. L. Peel, B. F. Pim, C. L. Defoor, T. E. Camp, M. C. Strickland, W. F. Manry, H. A. Coleman, John Aldredge, R. E. Richards, S. D. Jones, A. J. McCoy, J. T. Rose, M. A. Smith, Frank Weldon, J. D. Leitner, E. A. Hartsock, W. H. Mitchell, W. T. Healey, H. M. Milam, C. J. Sullivan, F. G. Lake, C. C. McGehee and S. H. Venable.

PDF PAGE 4, COLUMN 7

271 in Tower,
Most

At Any One
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Mangum's Regime

Sheriff Mangum reported Monday that the Tower population is at the high mark of his five years' administration. The number of inmates Monday was 271. The high mark came last Friday with 286 prisoners.

The Frank trial and hearing for a new trial have acted as the dam which backed up the stream of humanity that flows in and out of the jail. More than a hundred prisoners at one time were awaiting trial.

Of the 271 in the Tower Monday, 241 were State and County, 27 were United States and three were foreign prisoners. Thirty-five were released last Saturday, part of them to work on the public roads, others under bond and one to be taken to the hospital.

Sheriff Mangum in the last three years has handled in and out of the jail 12, 915 prisoners, an average of 4,805 a year.

PDF PAGE 5, COLUMN 1

**LOCKER CLUB PROBE ORDERED BY
JUDGE HILL**

PDF PAGE 5, COLUMN 8

**ASSERTS
GUN
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New Justice Tells Body It Must Not Spare Liquor Law Violators

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